

Senate Study Bill 3096 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE
ON COMMERCE BILL BY
CHAIRPERSON McCOY)

A BILL FOR

1 An Act relating to requirements for recycling facilities and
2 making penalties applicable.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. **455D.8A Recycling facilities —**
2 **financial assurance — disposal of and records of materials**
3 **accumulated.**

4 1. The owner of a facility engaged in recycling shall
5 maintain a financial assurance instrument in an amount that
6 equals or exceeds the cost for the removal and disposal of
7 all materials accumulated on the property of the facility and
8 provides for closure of the facility. Upon the closure of the
9 facility, any materials remaining on the property shall be
10 disposed of at a sanitary landfill. The financial assurance
11 instrument shall be one of the options listed in section
12 455B.301, subsection 9, paragraph "c".

13 2. For purposes of this section, a recycling facility does
14 not include any of the following:

15 a. A facility accepting only automobiles, discarded
16 appliances, scrap metal, or materials incidental to metal
17 recycling.

18 b. A facility accepting discarded appliances which have not
19 been previously dismantled for the removal of refrigerants,
20 polychlorinated biphenyl, mercury, or other hazardous materials
21 which may be subject to financial assurance requirements which
22 are limited to the discarded appliance dismantling portion of
23 the facility's activities.

24 c. A facility engaged in the handling or processing of
25 beverage containers collected pursuant to chapter 455C.

26 d. A facility that recycles its own materials for on-site
27 reuse.

28 e. A waste tire collection or processing site that is
29 required to maintain financial assurance pursuant to section
30 455D.11A.

31 f. A facility that only accepts paper, glass, plastic, or
32 metal either individually or commingled.

33 3. A recycling facility shall maintain records of materials
34 accepted and transported off site for reuse in order to
35 accurately reflect the amount of materials accumulated on the

1 property of the facility at all times. The facility shall
2 make a copy of these records available for inspection by the
3 department.

4 4. If at any time a recycling facility exceeds the amount
5 of materials upon which the amount of the financial assurance
6 instrument is based, the facility shall cease accepting
7 additional materials until either the amount of financial
8 assurance is increased or the amount of the material is reduced
9 to the financial assurance limits.

10 Sec. 2. Section 455D.22, Code 2014, is amended to read as
11 follows:

12 **455D.22 Civil penalty.**

13 A person who violates section 455D.6, subsection 4, section
14 455D.8A, 455D.11, 455D.11A, 455D.11B, 455D.11I, or 455D.19,
15 or any rule, permit, or order issued pursuant thereto shall
16 be subject to a civil penalty which shall be established,
17 assessed, and collected in the same manner as provided in
18 section 455B.109. Any civil penalty collected shall be
19 deposited in the general fund of the state.

20 Sec. 3. Section 455D.25, subsection 2, Code 2014, is amended
21 to read as follows:

22 2. Any person who violates section 455D.8A, 455D.10A,
23 455D.11, 455D.11A, 455D.11B, 455D.11I, or 455D.19, or any order
24 or permit issued or rule adopted pursuant to section 455D.6,
25 subsection 4, section 455D.8A, 455D.10A, 455D.11, 455D.11A,
26 455D.11B, 455D.11I, or 455D.19, shall be subject to a civil
27 penalty, not to exceed ten thousand dollars for each day of
28 such violation.

29 **EXPLANATION**

30 The inclusion of this explanation does not constitute agreement with
31 the explanation's substance by the members of the general assembly.

32 This bill relates to requirements for recycling facilities.

33 The bill requires the owner of a facility engaged in
34 recycling to maintain a financial assurance instrument in
35 an amount that equals or exceeds the cost for the removal

1 and disposal of all materials accumulated on the property of
2 the facility and provides for closure of the facility. Upon
3 closure of a facility, any materials remaining on the property
4 shall be disposed of at a sanitary landfill.

5 The bill lists types of facilities that are not included
6 in the financial assurance requirements and includes record
7 keeping requirements.

8 The bill provides that a facility violating the financial
9 assurance requirements is subject to a civil penalty, not to
10 exceed \$10,000 for each day of such violation.